

Deposition of:
Detective Erik Wayne Kammerer

April 20, 2023

Hannah Ahern
vs.
Erik Kammerer; et al.

Case No.: 3:21-CV-00561-YY



Detective Erik Wayne Kammerer

1 over this iPad. Can you see that there?

2 A. Yes, sir.

3 Q. And we're not blocking?

4 Okay. So, Detective Kammerer, do you
5 recognize this first slide?

6 A. It's labeled protest and riots.

7 Q. Okay. And do you recognize it?

8 A. I do not recognize it. No.

9 Q. Okay. Are you aware of a training slide and
10 presentation that was given to officers from various
11 departments across the State of Oregon that included a
12 training slide that depicted a protestor getting
13 punched by an officer and included a prayer?

14 MR. CALDWELL: Object to form. Assumes facts
15 not in evidence.

16 MR. MANLOVE: City joins.

17 THE WITNESS: I am not aware of -- I'm aware
18 of a PowerPoint that exists that has that slide in it.
19 I'm not aware of that being presented to anyone.

20 BY MR. CHAVEZ:

21 Q. Okay. So I'm going to -- let's see if this
22 downloaded. It's not, so I'm going to go to the last
23 page, and do you see the image that's depicted in this
24 slide?

25 A. I do.

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1 Q. And have you seen this image before?

2 A. I have.

3 Q. When did you first see it?

4 A. When it was made public that it had been

5 discovered in a PowerPoint.

6 Q. Okay. Do you know Officer Jeffrey McDaniel?

7 A. Yes, I do.

8 Q. How do you know him?

9 A. He is a -- he is a sergeant actually, and he

10 -- he was a squad leader in RRT and an instructor at

11 the state basic course.

12 Q. Okay. Would you work with Sergeant McDaniel

13 on developing training?

14 A. No.

15 Q. How often do you see Sergeant McDaniel at

16 work?

17 A. Hardly ever.

18 Q. What's that?

19 A. Hardly ever.

20 Q. Hardly ever.

21 How about during protests, would you be on an

22 RRT squad with him?

23 A. Sometimes. Yes.

24 Q. Would you ever discuss personal views about

25 protestors and their various causes with Sergeant

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1 are the things that I can recall today.

2 BY MR. CHAVEZ:

3 Q. Okay. So as she was next to you, right, as
4 she was standing there, I saw a gray truck, Toyota
5 truck, driving southbound on Southwest Third Avenue
6 from the north and almost strike Ms. Ahern. How far
7 away was this truck when you first saw it?

8 A. I don't recall. It was pretty close to Ms.
9 Ahern.

10 Q. That's when you first saw it when it was
11 pretty close to Ms. Ahern?

12 A. Yes.

13 Q. Did you observe a license plate on this
14 truck?

15 A. Not that I recall.

16 Q. Did you -- could you see who the driver --
17 what the driver looked like in the truck?

18 A. Not that I can recall.

19 Q. So were you able to perceive anything along
20 the way of the Toyota truck driver?

21 A. Not that I recall.

22 Q. Striking somebody with your vehicle is a
23 crime in some circumstances, correct?

24 A. In some circumstances.

25 Q. Negligently driving towards a pedestrian and

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1 THE WITNESS: I would have had to be much
2 closer to where this event actually happened.

3 BY MR. CHAVEZ:

4 Q. Okay. So you do not believe you're in a
5 position to yell over to cause -- to either the driver
6 or Ms. Ahern, but after Ms. Ahern spits -- I'm sorry,
7 I'm playing the video again -- you did feel you had
8 the opportunity to intervene at that point, correct?

9 MR. CALDWELL: Object to form. Misstates
10 evidence.

11 MR. MANLOVE: Yeah. Join the objection.

12 THE WITNESS: No, sir. None of that's
13 accurate.

14 BY MR. CHAVEZ:

15 Q. How so?

16 A. I'd already observed the "discon" occur. The
17 spitting had nothing to do with my decision to arrest
18 her.

19 Q. Okay. Let's watch another video then.

20 MR. CHAVEZ: Okay. And did you happen to
21 mark which one was the sync video?

22 MR. CALDWELL: Is that your guy's video?

23 MR. CHAVEZ: Yes.

24 MR. CALDWELL: That is Number 6.

25 BY MR. CHAVEZ:

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1 Q. So I'll show you what was previously entered
2 as an exhibit as Exhibit 6 in a prior deposition, and
3 I'll represent to you that this is a video that was
4 included in the federal complaint that was filed by
5 Ms. Ahern, and for your reference, one is a news
6 helicopter video. The other is another angle. I'll
7 press play at the beginning.

8 (Video playing.)

9 BY MR. CHAVEZ:

10 Q. So I'm pausing at second 12. Would you agree
11 that the person circled in blue is yourself? And I
12 can rewind for that.

13 A. Right. I -- -- based on the other video
14 positions, that's likely me.

15 Q. Okay. And I'm just going to rewind to the
16 beginning. Can you -- with the understanding that the
17 person circled in blue could be you based on your
18 prior positioning, do you recall what it is that you
19 were observing here on the street corner?

20 A. That appears to be the custody of Ms. Mitch.

21 Q. Okay. And you do see people standing behind
22 you partly in the crosswalk, correct?

23 A. In the video, yes.

24 Q. Okay. Now, I'll pause it again kind of
25 around where I paused last time, and I'd like you to

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1 a question at this point. Do you agree that members
2 of the public, if they are not interfering with a
3 police officer, are allowed to video record police
4 officer conduct on the streets?

5 A. Yes.

6 Q. Okay. I'm going to continue playing.

7 (Video playing.)

8 BY MR. CHAVEZ:

9 Q. So I paused it at second 53, and I direct you
10 to the red circle with Ms. Ahern, and I'm going to
11 back up just a little bit. I'd like you to observe
12 Ms. Ahern. Back up to second 51.

13 (Video playing.)

14 Q. What did you observe just happen to Ms.
15 Ahern?

16 A. She's standing in the street.

17 Q. Did two police officers approach Ms. Ahern
18 and direct her to cross the street?

19 MR. CALDWELL: Object to the form.

20 MR. MANLOVE: Object to the form.

21 THE WITNESS: I don't know what was done
22 there.

23 BY MR. CHAVEZ:

24 Q. Okay. I'll back it up.

25 MR. CALDWELL: Just a second. What second

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1

REPORTER'S CERTIFICATE

2

3 I, Chris Roemmich, a professional court reporter,
4 do hereby certify:

5 That the foregoing proceedings were taken before
6 me at the time and place herein set forth; that any
7 witnesses in the foregoing proceedings, prior to
8 testifying were placed under oath; that a verbatim
9 record of the proceedings was made by me using
10 machine shorthand which was thereafter transcribed
11 under my direction; further, that the foregoing is an
12 accurate transcription thereof.

13 I further certify that I am neither financially
14 interested in the action nor a relative or employee
15 of any attorney of any of the parties.

16 IN WITNESS HEREOF, I have hereunto subscribed my
17 name this 10th day of May, 2023.

18

19

20

21 *Chris E. Roemmich*



22

Chris Roemmich

23

Oregon Commission No. 1021058

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Expires 01/19/2026